



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2982



Mr. Andre Aho
51 Todd Hill Road
Rindge, NH 03461

LETTER OF DEFICIENCY
#SP-2002-09
June 6, 2002

RE: DES Wetlands File #2002-1161

Dear Mr. Aho,

On June 4, 2002, personnel from the Department of Environmental Services, Water Division ("DES") conducted a site inspection of your property identified on Rindge Tax Map 41, as Lots 12-1 and 12-2, Pine Eden Road, Pool Pond, Rindge, New Hampshire. The purpose of this site inspection was to determine compliance with RSA 483-B; the Comprehensive Shoreland Protection Act ("CSPA") and RSA 485-A:17 and applicable rules promulgated pursuant thereto. During the inspection the following deficiencies were noted:

Despite efforts to control erosion and stabilize the site, evidence was observed indicating that runoff from recent storms events had eroded disturbed soils on site and carried sediment into a drain and culvert at the end of the driveway. Sedimentation from the site was observed at the outlets of two culverts and was traced to close proximity of Pool Pond.

- 2 The observed contiguous area of disturbed soils was estimated to exceed 100,000 square feet.

In response, DES requests that you take the following actions:

1. Immediately install additional erosion and siltation control measures such as silt fencing and haybales. Pre-seeded jute matting should be used on the eastern side of the driveway where erosion has occurred. While the haybales down the eastern side of the driveway have been working effectively, the built up silt should be removed, and haybales placed every ten feet. The large piles of fill on both sides of the driveway should be removed or temporarily stabilized with seed, and a silt fence erected around the perimeter. Hay bales should be placed on the outlet side of the runoff swale on the western side of the driveway.

2. Within 30 days of receipt of this Letter of Deficiency, apply for a Site Specific Permit or submit information that demonstrates the contiguous disturbance on the site to be less than 100,000 square feet.

The section of the Comprehensive Shoreland Protection Act pertaining to erosion and siltation; RSA 483-B:9,V(c), requires that:

- (1) *"All new structures within protected shoreland shall be designed and constructed in accordance with rules adopted by the department pursuant to RSA 541-A, relative to terrain alteration under RSA 485-A:17, for controlling erosion and siltation of public waters, during and after construction."*
- (2) *"New structures within the protected shoreland shall be designed and constructed to prevent the release of surface runoff across exposed mineral soils."*
- (3) *"A permit pursuant to RSA 485-A:17, I shall be required for improved, developed, or subdivided land within the protected shoreland whenever there is a contiguous disturbed area exceeding 50,000 square feet."*

Potential fines pursuant to Env-C 603.02 (g) are as follows, *"For any construction, earth moving, or other activities resulting in the significant alteration of 50,000 sq. ft. or greater of the terrain within the protected shoreland without a permit:*

- (1) \$3,000 if the activities have not caused a water quality violation; and*
- (2) \$3,500 if the activities have caused a water quality violation.*

RSA 483-B, the Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establishes minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statutes and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 483-B will result in enforcement by DES, including but not limited to, the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds in an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Allyson Gourley
Shoreland Compliance Coordinator
NHDES
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

If you have any questions please contact Allyson Gourley at (603) 271-6876.

Sincerely,
COPY
/ Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL
Enclosures

cc: Gretchen C. Rule, Enforcement Coordinator-DES ✓
Russell A. Nylander, P.E., Chief Engineer-WD/DES
Mary Ann Tilton, Wetlands Bureau
Shoreland Program-NHDES
Rindge Conservation Commission
Rindge Board of Selectmen
Rindge Building Department